

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERALDINE NICHOLAS, :

Petitioner, :

1:20-cv-02778-GHW

-against-

THOMAS DECKER, in his official capacity as
Field Office Director, New York City Field Office,
U.S. Immigration & Customs Enforcement,
CHAD WOLF, in his official capacity as Acting
Secretary of the U.S. Department of Homeland
Security, and WILLIAM PELHAM BARR, in his
official capacity as Attorney General, U.S.
Department of Justice,

ORDER

Respondents. :

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GREGORY H. WOODS, United States District Judge:

On April 3, 2020, Petitioner filed a petition for habeas corpus and a motion for a temporary restraining order requesting emergency relief. Dkt Nos. 1-2. Because the petition asserts only a single “core” habeas claim, it is properly heard only in the petitioner’s district of confinement. *See Order to Show Cause, Torres Martinez v. Decker*, No. 19 Civ. 8727 (GHW) (S.D.N.Y. Oct. 2, 2019), Dkt No. 7; *Benitez v. An Unknown Immigration Officer Employed by the Department of Homeland Security*, No. 19 Civ. 3153 (GHW) (S.D.N.Y. May 6, 2019), Dkt No. 3; *see also Arriaga Reyes v. Decker*, No. 20 Civ. 2737 (PAE) (S.D.N.Y. Apr. 2, 2020), Dkt No. 4, at 3 (collecting cases). Petitioner is currently detained in the Hudson County Correctional Facility in Kearny, New Jersey, Dkt No. 1 ¶ 13, which is located in the judicial district of the United States District Court for the District of New Jersey. *See* 28 U.S.C. § 110.

For the reasons set forth in the Court’s prior orders in *Torres Martinez* and *Benitez* and in accord with the weight of authority in this District, the Court holds *sua sponte* that it lacks venue over

Petitioner's core habeas claim.¹ The Court therefore transfers this case to the District of New Jersey forthwith and without delay.

The Clerk of Court is further directed to terminate all pending motions, adjourn all remaining dates, and to close this case. In light of the need for urgent judicial attention to petitioners' claims, the Court waives the seven-day period provided in Local Civil Rule 83.1 to effectuate a transfer to a different district. Because of the significant liberty interests and other equities at stake, and in recognition of the grave risks that continued confinement may pose to Petitioner's health, the Court directs the Clerk of Court to effectuate this transfer urgently.

SO ORDERED.

Dated: April 3, 2020
New York, New York



GREGORY H. WOODS
United States District Judge

¹ Under ordinary circumstances, the Court might be inclined to proceed via an order to show cause to allow the parties to stipulate to a transfer of jurisdiction, as the Court did in *Torres Martinez*, or to allow the parties to brief the issue. However, given the urgent nature of Petitioner's claim, the Court has chosen to proceed expeditiously, so that Petitioner's claims can be decided on the merits as quickly as possible.